

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**NICHOLAS CUMMINGS, on behalf of
himself and others similarly situated,
Plaintiffs,**

v.

**SALLIE MAE CORP.
Defendants.**

Case No. 12 C 9984

Judge Joan B. Gottschall

ORDER

Plaintiff Nicholas Cummings' motion to certify a class, which was filed in December of 2012, remains pending. The parties' second stipulation to extend the deadline for the plaintiff to file his reply in support of his motion for class certification is before the court. The parties state that mediation is scheduled for July 29, 2013, and that they wish to hold off on the remaining discovery connected to the class certification motion until after the mediation, should it be unsuccessful. Thus, they request that the due date for the class certification reply brief be reset to August 30, 2013. In the interest of judicial economy, and to allow the parties to pursue mediation and any further discovery relating to class certification that may be necessary, the plaintiff's motion to certify a class [4] is denied without prejudice, with the understanding that the plaintiff's request for class certification remains pending as a placeholder and no rights are waived. The plaintiff may reactivate the motion when and if the parties are ready to complete briefing. The parties shall file a joint status report following the mediation regarding efforts to resolve this matter. Finally, the parties are advised that if they wish to reset further dates or request other relief, they should file a motion and notice it for presentment, as opposed to submitting a stipulation.

ENTER:

/s/
JOAN B. GOTTSCHALL
United States District Judge

DATED: July 26, 2013